

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on March 21, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 637 - 3-15-01**
SB 111 - 3-15-01

Executive Action: **SB 204 - BCAA**
SB 328 - BC

HEARING ON HB 637

Sponsor: Rep. Christine Kaufmann, HD 53, Helena said victims of crime often feel alienated from the system. Often communities are left off the hook for dealing with offenders in their midst. Sometimes offenders are left off the hook by not forcing them to own up to the harm that they have caused to their communities and to their victims.

The purpose of this Bill is to promote restorative justice throughout the state, provide technical assistance and grants for these programs.

Proponents: Pam Bucy, Assistant Attorney General, said she supports this type of program because it works. This is a growing movement because the program is working in other states. The Attorney General's office is willing to take this project on. They have approached individuals about receiving some federal funds so they can take this appropriation down and it will prove to be cost effective.

Mitzi Grover, Program Coordinator, Lewis and Clark Community Juvenile Justice Council. **EXHIBIT(juh64a01)**

Sharon Hoff-Brodowy, Executive Director, Montana Catholic Conference. **EXHIBIT(juh64a02)**

{Tape : 1; Side : A; Approx. Time Counter : 0 - 20.4}

Jani McCall, Chair, Montana Youth Justice Council,
Billings

Jim Oppedahl, Executive Director, Montana Board of
Crime Control.

Bill Bowman, victim

Betty Whiting, Montana Association of Churches,
Billings.

Andy Hunthausen, Licensed Counselor and Mediator,
Restorative Training Network. **EXHIBIT(juh64a03)**

{Tape : 1; Side : A; Approx. Time Counter : 21.1 - 29.1}

Bob Vogel, Montana School Board Association

Opponents: None

Questions from Committee Members and Responses: Reps. Eggers, Newman, Rice, Peterson to Ms. Bucy, Rep. Kaufmann, Ms. Grover for clarification.

Closing by Sponsor: Rep. Kaufmann closed the Hearing on HB 637.

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 15.1}

HEARING ON SB 111

Sponsor: Senator Alvin Ellis, Jr., SD 12, Red Lodge said he was asked initially by the School Boards Association to put in a bill draft request for this legislation. They wanted to limit transfers of property from one school district to another where there was an agreement from the Boards of both school districts.
EXHIBIT(juh64a04) EXHIBIT(juh64a05) EXHIBIT(juh64a06)

Proponents: Rachel Vielleux, Missoula County Superintendent

Anthea George, Bozeman **EXHIBIT(juh64a07)**

Marilyn Hayes, Ashland **EXHIBIT(juh64a08)**

Gary Baden, Phillips County Superintendent of Schools, **EXHIBIT(juh64a09)**

Lisa Swan Semansky, Attorney, Great Falls

Emil Newmann, Great Falls, formerly Neumann Bench

Mary Somerfield, Neumann Bench, Cascade County,
EXHIBIT(juh64a10)

James Stevenson, Ashland, **EXHIBIT(juh64a11)**

James Neumann, Neumann Bench

Lila Taylor, Kirby

{Tape : 2; Side : A; Approx. Time Counter : 14.9 - 15.8}

Ward Fifield, Power Schools Superintendent,
EXHIBIT(juh64a12)

Debbie Laubach, Neuman Bench, **EXHIBIT**(juh64a13)

Jack Gunderson, former Representative

Opponents: Bob Vogel, Montana School Boards Association

Mike Williams, Superintendent Lame Deer Public
Schools **EXHIBIT**(juh64a14) **EXHIBIT**(juh64a15)

Dave Puyear, Executive Director, Montana Rural
Education Association

Norma Bixby, Representative HD 5, Southeastern
Montana.

Lynde Brannon, Helena. Montana School Officials

Bev Denning, Vaughn, **EXHIBIT**(juh64a16)

{Tape : 2; Side : A; Approx. Time Counter : 15.8 - 30.3}

Betty Kunkel, Cascade County Superintendent of
Schools, **EXHIBIT**(juh64a17)

Hy Rushton, Trustee, Vaughn Elementary School
District, **EXHIBIT**(juh64a18)

Diane McGurran, Vaughn, **EXHIBIT**(juh64a19)

Doug Walsh, Ennis School District #52

Glen Hageman, Sheridan Schools

Sharon Losleber, Vaughn **EXHIBIT**(juh64a20)
EXHIBIT(juh64a21) **EXHIBIT**(juh64a22)

Erik Burke, MEA-MFT

Joe Tropila, Representative HD 47, Great Falls

Rick Losleber, Trustee, Vaughn School Board

Raelene Frost, Teacher, Vaughn

Hydee Rushton, Student, Vaughn

Gabrielle Mart, Student, Vaughn

Courtney Thomason, Student, Vaughn

Theresa Wampole, Student, Vaughn

Pam Fryberger, Vaughn

Sterlin Nielsen, Chairman, School Board, Vaughn

Shawn White Wolf, Northern Cheyenne

Glen Johnson, Superintendent Schools Harrison

EXHIBIT(juh64a23) **EXHIBIT**(juh64a24) **EXHIBIT**(juh64a25)
EXHIBIT(juh64a26) Written testimony given to Secretary.

Informational Witness: Gwen Anderson, Teton County Superintendent of Schools

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 21.7}

Questions from Committee Members and Responses: Reps. Holden, Harris, Noennig, Peterson, Rice, Shockley to Ms. Anderson, Ms. George, Mr. Emil Neumann, Mr. Burke, Senator Ellis, Mr. Puyear, Mr. Walsh for clarification.

{Tape : 2; Side : B; Approx. Time Counter : 21.7 - 29.9}

Closing by Sponsor: Senator Ellis closed the Hearing on SB 111 saying where and how children are educated is a main concern of parents. If this Bill passes, no property will transfer. It just allows people access to a local decision.

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 30.0}

EXECUTIVE ACTION ON HB 637

Motion: REP. MANGAN moved that HB 637 DO PASS. #1 Rep. Mangan withdrew his motion until an amendment can be drawn.

{Tape : 3; Side : B; Approx. Time Counter : 0.2 - 7}

EXECUTIVE ACTION ON SB 328

Motion/Vote: REP. ADAMS moved that SB 328 BE CONCURRED IN. #2 Motion carried unanimously 20-0.

EXECUTIVE ACTION ON SB 204

Motion: REP. NOENNIG moved that SB 204 BE CONCURRED IN. #3

Motion: REP. NOENNIG moved that SB 204 BE AMENDED. #4

Discussion: Rep. Noennig and Mr. MacMaster explained the amendment as follows: Page 2, Line 13, the total amount that the court orders to be "paid" to a victim. Line 14 after the word "may" insert "be treated as a civil judgment against the offender and may" then strike "in a civil proceeding". Page 2, line 15, following the word "law" insert ", including execution upon a judgment." Rep. Noennig said basically it's a clarification.

Further Discussion: Rep. Gutsche to Rep. Noennig for further clarification.

Vote: Motion (#4) carried unanimously 20-0.

Discussion: Reps. Noennig, Newman, Laszloffy, Mr. MacMaster

Motion: REP. NOENNIG moved that SB 204 BE CONCURRED IN AS AMENDED. #5.

Motion: REP. PETERSON moved that SB 204 BE AMENDED. #6
EXHIBIT (juh64a27)

Discussion: Reps. Hurdle, Peterson, Noennig, Harris, Shockley, Mr. MacMaster.

{Tape : 3; Side : B; Approx. Time Counter : 7.0 - 27.9}

Vote: Motion #6 failed 8-12 with Reps. Laszloffy, Clark, Adams, Eggers, Gallus, Gutsche, Holden, Hurdle, Mangan, Noennig, Rice and Younkin.

Motion/Vote: REP. NOENNIG moved that SB 204 BE CONCURRED IN AS AMENDED. #7 Motion carried 19-1 with Rep. Peterson voting no.

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 7.5}

ADJOURNMENT

Adjournment: 11:25 A.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh64aad)